

Committee Room,
Austin, Texas, Oct. 10, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 125,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached committee amendment, and be not printed.

REGAN, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 125 by striking out of Section No. 2, the following words: "and which shall be paid back to the State from the first funds available."

Committee Room,
Austin, Texas, Oct. 10, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 58, A bill to be entitled "An Act amending Section 2, H. B. No. 327, Chapter 350, General Laws of the Forty-fourth Legislature, Regular Session; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Chairman.

Minutes of Committee Meetings.

Minutes of Committee on State
Affairs, Held October 8, 1935.

Called Meeting.

Present: Pace, Blackert, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Martin, Oneal, Rawlings, Regan, Redditt, Shivers, Small, Stone, Sulak.

Absent—Excused: Fellbaum, Moore.

S. B. No. 1 was reported with the recommendation that it do not pass, but that the committee substitute in lieu thereof, with Committee Amendment No. 1, do pass and that the substitute only be mimeographed, by viva voce vote.

ELIZABETH SUITER, Secretary.

Minutes of Committee on State
Affairs, Held on October 8, 1935,
at 5:15 p. m.

Called Meeting.

Present: Pace, Blackert, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Martin, Oneal, Rawlings, Regan, Redditt, Shivers, Small, Stone, Sulak.

Absent—Excused: Fellbaum, Moore.

H. B. No. 52 was referred to a subcommittee.

H. B. No. 114 was reported favorably with the recommendation that it pass, and be not printed by a viva voce vote.

DeBerry requested to be recorded as voting "No."

H. B. No. 101 was reported favorably with the recommendation that it pass and be not printed by a viva voce vote.

ELIZABETH SUITER, Secretary.

Minutes of Committee on State
Affairs, Held October 9, 1935,

Called Meeting.

Present: Pace, Blackert, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Martin, Oneal, Rawlings, Regan, Redditt, Shivers, Small, Stone, Sulak.

Absent—Excused: Fellbaum, Moore.

H. B. No. 1 was reported favorably with the recommendation that it do pass, and be not printed by a viva voce vote.

H. B. No. 52 was reported favorably with the recommendation that it do pass, and be not printed by a viva voce vote.

ELIZABETH SUITER, Secretary.

SIXTEENTH DAY.

Senate Chamber,

Austin, Texas,

October 10, 1935.

The Senate met at 8:00 o'clock p. m., pursuant to adjournment, and was called to order by President Pro Tem. Will Martin.

The roll call disclosed "no quorum."

Senator DeBerry moved that a call of the Senate be ordered to secure

and maintain a quorum until final disposition of H. B. No. 18.

The call of the Senate was seconded by the required number.

The Chair instructed the Secretary to call the roll.

The motion prevailed by the following vote:

Yeas—17.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Sulak.
DeBerry.	Van Zandt.
Hill.	Westerfeld.
Hornsby.	Woodruff.
Martin.	

Nays—2.

Sanderford. Shivers.

Absent.

Holbrook.	Redditt.
Hopkins.	Regan.
Isbell.	Small.
Neal.	Stone.
Rawlings.	

Absent—Excused.

Beck. Moore.
Fellbaum.

Points of Order.

Senator Hornsby raised the point of order, that a call cannot be made on a bill not pending before the Senate.

The Chair sustained the point of order and ruled that pending business would be H. B. No. 1.

Senator Sanderford raised the point of order that this Senate cannot take up and consider anything until they have an operating quorum.

The Chair sustained the point of order and instructed the Secretary to furnish the names of the absentees to the Sergeant-at-Arms and that he be instructed to lock the doors and allow no one to leave and to bring in the absent Senators until a quorum was secured.

The Chair at 8:35 o'clock p. m. requested the Secretary to call the roll.

The roll call disclosed no quorum, as shown by the following:

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Sanderford.
DeBerry.	Shivers.
Hill.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.

Absent.

Holbrook.	Redditt.
Hopkins.	Regan.
Neal.	Small.
Rawlings.	Stone.

Absent—Excused.

Beck. Moore.
Fellbaum.

At 9:05 o'clock p. m. the roll call disclosed a quorum, as shown by the following:

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Sanderford.
DeBerry.	Shivers.
Hill.	Sulak.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Martin.	

Absent.

Hopkins.	Regan.
Neal.	Small.
Rawlings.	Stone.
Redditt.	

Absent—Excused.

Beck. Moore.
Fellbaum.

Prayer by Senator Sanderford.

Further reading of the Journal was dispensed with on motion of Senator Burns.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

The Chair withdrew his ruling, that H. B. No. 1 would be pending

business and asked if there were any House bills on third reading.

Senator Poage called up H. B. No. 18 on third reading.

House Bill No. 18.

The Chair laid before the Senate on its third reading the following bill:

H. B. No. 18, A bill to be entitled "An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof; providing for certain exceptions and fixing the powers and duties of the Comptroller of Public Accounts in connection therewith; etc., and declaring an emergency."

Point of Order.

Senator Stone raised the point of order that no Calendar had been laid out on the desks.

The Chair overruled the point of order.

Senator Sanderford was recognized to discuss the bill:

Privileged Motion.

Senator DeBerry moved that the Senate order the previous question on the final passage of H. B. No. 18.

The motion was seconded by the required number.

The previous question was ordered by the following vote:

Yeas—14.

Blackert.	Nelson.
Burns.	Oneal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Sulak.
Hill.	Westerfeld.
Martin.	Woodruff.

Nays—7.

Collie.	Shivers.
Holbrook.	Stone.
Hornsby.	Van Zandt.
Sanderford.	

Present—Not Voting.

Isbell.

Absent.

Hopkins.	Redditt.
Neal.	Regan.
Rawlings.	Small.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Point of Order.

Senator Hornsby raised the point of order that no Senator could interrupt another, without first going through the Chair.

The Chair sustained the point of order.

The bill was read the third time as amended and was finally passed by the following vote:

Yeas—17.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Shivers.
DeBerry.	Sulak.
Hill.	Westerfeld.
Isbell.	Woodruff.
Martin.	

Nays—5.

Holbrook.	Stone.
Hornsby.	Van Zandt.
Sanderford.	

Absent.

Hopkins.	Redditt.
Neal.	Regan.
Rawlings.	Small.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Senator Woodruff was recognized and called up H. B. No. 1.

House Bill No. 1.

The Chair laid before the Senate the following bill, which had been read the second time.

By Mr. Morse:

H. B. No. 1, A bill to be entitled "An Act defining the term 'open saloon'; creating a Board of Liquor Control; prescribing rules and regulation, the right of local option;

perscribing permits, and otherwise regulating the sale of the various liquors mentioned in this Act; defining terms; prescribing punishments; providing a saving clause, and declaring an emergency."

Point of Order.

Senator Sanderford raised the point of order that H. B. No. 1 was not on the table subject to call and could not be brought up except by a two-third vote.

The Chair overruled the point of order.

Senator Hill was recognized. He moved that a call of the Senate be ordered to maintain a quorum.

Point of Order.

Senator Davis raised the point of order, that a quorum was present, therefore the motion was out of order.

The Chair sustained the point of order.

Senator Woodruff moved the engrossment of the bill.

Senator Van Zandt was recognized to send up an amendment.

Amend H. B. No. 1 by adding the following new section:

Sec. 45A. Any room, house, building, boat, vehicle, structure, or place where intoxicating liquor is manufactured, sold, kept, or bartered in violation of the laws of this State, and all intoxicating liquor and property kept and used in maintaining the same, is hereby declared to be a common nuisance, and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Thousand (\$1,000.00) Dollars, or be imprisoned in the county jail for not more than one year, or both. If a person has knowledge or reason to believe that his room, house, building, boat, vehicle, structure, or place is occupied or used for the manufacture or sale of liquor contrary to the provisions of the laws of this State, and suffers the same to be so occupied or used, such room, house, building, boat, vehicle, structure or place shall be subject to a lien for and may be sold to pay all fines and

costs assessed against the person guilty of such nuisance for such violation and any such lien may be enforced by action in any court having jurisdiction.

All intoxicating liquors transported in this State upon which any lawful tax to the State has not been paid, for the purpose of this section shall be deemed to be kept in violation of the laws of this State.

VAN ZANDT.

Pending.

Senator Stone received unanimous consent to make a motion to recess, with the understanding that Senator Van Zandt should have the floor when the Senate reconvenes.

Motion to Recess.

Senator Stone at 9:50 o'clock p. m. moved that the Senate recess until 10:00 o'clock a. m., Friday.

The motion to recess prevailed by viva voce vote.

SIXTEENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
October 11, 1935.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

House Bill No. 1.

Pending business was H. B. No. 1.

The pending amendment by Senator Van Zandt was read.

Senator Van Zandt was recognized to discuss the pending amendment.

Senator Burns was recognized and asked unanimous consent for Senator Van Zandt to yield for a motion to take up S. B. No. 26.

Objections were heard.

Senator Small was recognized and asked unanimous consent to lay on the table subject to call H. B. No. 1, so as to prepare some amendments to the bill.

Senator DeBerry asked unanimous consent for the Senate to stand at ease five minutes.

Senator Small withdrew his request.